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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,352	01/23/2004	Hideki Kojima	118457	4988
25944	7590	11/02/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			SEVER, ANDREW T	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,352

Applicant(s)

KOJIMA, HIDEKI

Examiner

Andrew T. Sever

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2,5,6,8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2004, 6/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species IV (claims 1, 3, 4, and 7) in the reply filed on 8/5/2005 is acknowledged. The traversal is on the ground(s) that no serious burden exists. This is not found persuasive because the different embodiments require different searches for example the embodiment of figure 1 could potentially read on a color wheel based projector while the currently elected embodiment requires some sort of beam splitter besides the scrolling member; a search for one of these species would not necessarily produce art for the other species and therefore the restriction requirement is deemed proper.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 2, 5, 6, 8, and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/5/2005.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 2004/0246446.)

Lee teaches in figure 3 a display device, comprising:

A light source (200) to emit illumination light;

A display element (240) having a plurality of pixels to modulate the illumination light;

An irradiation optical system (202-205 and 207-250) to irradiate the illumination light emitted from the light source onto some of the pixels; and

An illumination light-scanning device (210) to scan the illumination light irradiated by the irradiation optical system,

The irradiation optical system including an image forming device (202-205) to condense the illumination light emitted by the light source to form an image and image re-forming device (207-250 (the re-forming device includes all the optical elements in the light path between 207 and 250)) to form the image formed by the image forming device on the display element, and

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The illumination light irradiated onto the display element being irradiated onto the display element by at least the image forming device and the image re-forming device.

With regards to applicant's claim 3:

Part 255 is a projecting device.

With regards to applicant's claim 4:

Part 220 divides the light into 3 or more colored light components after passing through the illumination light-scanning device. The re-forming device (207-250) is after the light is split and therefore it is arranged in each colored light component.

With regards to applicant's claim 7:

Since there is basically one light path for all three colors they are almost the same.

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6. Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Cho et al. (US 2004/0057018).

7. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Cho teaches in figure 3 a display device, comprising:

A light source (100) to emit illumination light;

A display element (140) having a plurality of pixels to modulate the illumination light;

An irradiation optical system (105, 107, 131, 135, and 137) to irradiate the illumination light emitted from the light source onto some of the pixels; and

An illumination light-scanning device (110) to scan the illumination light irradiated by the irradiation optical system,

The irradiation optical system including an image forming device (105) to condense the illumination light emitted by the light source to form an image and image re-forming device (107, 131, 135, and 137) to form the image formed by the image forming device on the display element, and

The illumination light irradiated onto the display element being irradiated onto the display element by at least the image forming device and the image re-forming device.

With regards to applicant's claim 3:

See page 1 paragraph 3, which states that the invention is for a projector and in figure 1 a conventional projector is shown which include a projection lens 6.

With regards to applicant's claim 4:

Part 120 divides the light into 3 or more colored light components after passing through the illumination light-scanning device. The re-forming device (107, 131, 135, and 137) is after the light is split and therefore it is arrange in each colored light component.

With regards to applicant's claim 7:

Since there is basically one light path for all three colors they are almost the same.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Us 6,827,450 to McGettigan et al. could also be used in a rejection of at least some of applicant's claims see figure 7B wherein part 104' is the image forming device, part 106 is the scanning device part 108' is image re-forming device and parts 136 and 134 are display elements.

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US 2004/0080718 to Kojima this is a copending application (10/639,472) and should be reviewed for potential double patenting if amendments are made to the present pending claims or the copending claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AS

William Perkey
Primary Examiner